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SUPREME COURT, U. S.

# **TRANSCRIPT OF RECORD**

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**Supreme Court of the United States**

**OCTOBER TERM, 1961**

**No. 604**

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**HARRY CLIFFORD PORTER, PETITIONER**

**vs.**

**AETNA CASUALTY AND SURETY COMPANY**

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**ON WRIT OF CERTIORARI TO THE UNITED STATES COURT  
OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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**PETITION FOR CERTIORARI FILED SEPTEMBER 18, 1961  
CERTIORARI GRANTED DECEMBER 11, 1961**

# Supreme Court of the United States

OCTOBER TERM, 1961

No. 604

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HARRY CLIFFORD PORTER, PETITIONER

vs.

AETNA CASUALTY AND SURETY COMPANY

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ON WRIT OF CERTIORARI TO THE UNITED STATES COURT  
OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

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[fol. A] [File endorsement omitted]

[fol. 1]

**JOINT APPENDIX**

Filed December 27, 1960

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

Civil Action No. 57-57

**AETNA CASUALTY AND SURETY COMPANY, PLAINTIFF**

**v.**

**HARRY CLIFFORD PORTER, DEFENDANT**

**JUDGMENT—Filed February 8, 1960**

This cause coming on for trial before the Court without a jury on November 18, 1959, and the Court having heard the testimony, examined the proofs offered by the respective parties, considered the arguments of counsel, and having made its Findings of Fact and Conclusions of Law, it is by the Court this 8th day of February, 1960

ADJUDGED, ORDERED AND DECREED that the plaintiff recover of the defendant the sum of \$16,459.72, together with its costs herein.

/s/ Edward A. Tamm  
JUDGE

**IN UNITED STATES DISTRICT COURT**

**ATTACHMENT ON JUDGMENT—Filed March 1, 1960**

The President of the United States, to the Marshal for said District—GREETING:

YOU ARE HEREBY COMMANDED to attach the goods, chattels, and credits of the defendant, if to be found in this

District, of value sufficient to satisfy the plaintiff judgment against the defendant in this Court in the above-entitled cause, on the 8th day of February, 1960, for \$16,459.72 with interest from February 8, 1960, for money payable to the plaintiff by the defendant, and \$40.00 for costs; and the same so attached, safely keep and have before said Court, on or before the tenth day occurring after the execution of this writ, that the same may be condemned unless sufficient cause be shown to the contrary; and, if said goods, chattels or credits be attached in the hands or possession of any person or persons other than the defendant, notify such person or persons of such seizure, and warn him or them to appear before said Court, within the time aforesaid, to show cause why the same should not be condemned and execution thereof had according to law, unless the credits so attached are wages as defined by Public Law 130, signed August 4, 1959, in which event the terms of the said Law must be observed. And have then there this writ, so endorsed as to show when and how you have executed it.

WITNESS, The Honorable Chief Judge of said Court the 24th day of February, 1960

HARRY M. HULL, Clerk

By /s/ Robert C. Huey  
Deputy Clerk

[SEAL]

NOTICE—February 24, 1960

To: Columbia Federal Building Association

730 - 11th St., N.W., Washington, D. C., Garnishee

YOU ARE HEREBY NOTIFIED that any property or credits of Harry Clifford Porter, ~~or his Committee, Ethelbert B. Frey, Esq.~~ /s/ JLL in your hands are seized by virtue of the foregoing writ of attachment, and you are hereby warned to appear in said Court, on or before the tenth day after service hereof, and show cause, if any there be, why the property or credits so attached should not

be condemned and execution thereof had, unless the credits hereby attached are wages as defined by Public Law 130, signed August 4, 1959, in which event you are admonished [fol. 3] to comply with the terms of that Law. A copy of the referred to Law may be obtained from the Clerk of this Court upon request.

U.S. Marshal.

#### MARSHAL'S RETURN

Attached credits in the hands of J. Anderson and served with copies of this Writ, Interrogatories, and Notices as Garnishee of Defendant Laskey & Laskey

by /s/ John L. Laskey  
Plaintiff's Attorney

U.S. Marshal in and for the  
District of Columbia

#### IN UNITED STATES DISTRICT COURT

#### ATTACHMENT ON JUDGMENT

The President of the United States, to the Marshal for said District—GREETING:

YOU ARE HEREBY COMMANDED to attach the goods, chattels, and credits of the defendant, if to be found in this District, of value sufficient to satisfy the plaintiff judgment against the defendant in this Court in the above-entitled cause, on the 8th day of February, 1960, for \$16,459.72 with interest from February 9, 1960, for money payable to the plaintiff by the defendant, and \$40.00 for costs; and the same so attached, safely keep and have before said Court, on or before the tenth day occurring after the execution of this writ, that the same may be condemned unless sufficient cause be shown to the con-

trary; and, if said goods, chattels, or credits be attached in the hands or possession of any person or persons other than the defendant, notify such person or persons of such seizure, and warn him or them to appear before said Court, within the time aforesaid, to show cause why [fol. 4] the same should not be condemned and execution thereof had according to law, unless the credits so attached are wages as defined by Public Law 130, signed August 4, 1959, in which event the terms of the said Law must be observed. And have then there this writ, so endorsed as to show when and how you have executed it.

WITNESS, The Honorable Chief Judge of said Court the 24th day of Feb., 1960

HARRY M. HULL, Clerk

By /s/ Robert C. Huey  
Deputy Clerk.

NOTICE—February 24, 1960

To Ethelbert B. Frey, Esq., Committee of Harry Clifford Porter, 1319 F St., N.W., Washington, D. C., Garnishee

YOU ARE HEREBY NOTIFIED that any property or credits of Harry Clifford Porter in your hands are seized by virtue of the foregoing writ of attachment, and you are hereby warned to appear in said Court, on or before the tenth day after service hereof, and show cause, if any there by, why the property or credits so attached should not be condemned and execution thereof had, unless the credits hereby attached are wages as defined by Public Law 130, signed August 4, 1959, in which event you are admonished to comply with the terms of that Law. A copy of the referred to Law may be obtained from the Clerk of this Court upon request.

U. S. Marshal

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[fol. 5]

IN UNITED STATES DISTRICT COURT

ATTACHMENT ON JUDGMENT—Filed March 1, 1960

The President of the United States, to the Marshal for said District—GREETING:

YOU ARE HEREBY COMMANDED to attach the goods, chattels, and credits of the defendant, if to be found in this District, of value sufficient to satisfy the plaintiff judgment against the defendant in this Court in the above-entitled cause, on the 8th day of February, 1960, for \$16,459.72 with interest from February 9, 1960 for money payable to the plaintiff by the defendant, and \$40.00 for costs; and the same so attached, safely keep and have before said Court, on or before the tenth day occurring after the execution of this writ, that the same may be condemned unless sufficient cause be shown to the contrary; and, if said goods, chattels, or credits be attached in the hands or possession of any person or persons other than the defendant, notify such person or persons of such seizure, and warn him or them to appear before said Court, within the time aforesaid, to show cause why the same should not be condemned and execution thereof had according to law, unless the credits so attached are wages as defined by Public Law 130, signed August 4, 1959, in which event the terms of the said Law must be observed. And have then there this writ, so endorsed as to show when and how you have executed it.

WITNESS, The Honorable Chief Judge of said Court the 24th day of Feb., 1960

HARRY M. HULL, Clerk

By /s/ Robert C. Huey  
Deputy Clerk.